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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,982	07/31/2000	Junya Kaku	000921	4508
38834	7590	08/01/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			TRAN, NHAN T	
1250 CONNECTICUT AVENUE, NW			ART UNIT	PAPER NUMBER
SUITE 700				
WASHINGTON, DC 20036			2615	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/629,982	KAKU, JUNYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nhan T. Tran	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 5/27/2005 & 5/20/2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/2005 & 5/20/2005 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 5/20/2005 was filed after the mailing date of the Final Office Action on 12/29/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

3. Applicant's arguments filed 5/27/2005 have been fully considered but they are not persuasive.

The Applicant asserts that Mitsuhashi and Anderson do not disclose or teach the features of claim 5 concerning *a determiner for determining, prior to starting a display process of said second display, whether or not said instruction key is shifted from the operative state to the non-operative state, wherein the display process of said second display is permitted when a*

*determination result of said determiner is negative, and the display process of said second display is prohibited when the determination result of said determiner is affirmative.*

In response, the Examiner respectfully submits that the above limitations, in fact, read on the Mitsuhashi reference as set forth in section 5 below. **It is importantly noted that the first and second pushed levels of the shutter button 20 (instruction key) in Mitsuhashi are the operative state of the shutter button. Non-operative state is when the shutter button 20 is not pushed at all (live-view mode or so called EE mode to assist electronic viewfinder).**

**With this important note in mind, the following Office Action will be clear.**

The Examiner already clarified the Examiner's interpretation of the Applicant's claimed invention during the telephone interview on 5/12/2005.

#### *Claim Objections*

4. Claim 5 is objected to because of the following informalities: the claim recites "An electrionic camera" which should be changed to --An electronic camera--.  
Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuhashi et al (US 5,497,193) in view of Anderson (US 6,512,548).

Regarding claim 5, Mitsuhashi discloses an electronic camera (Fig. 1), comprising:

an outputter (13) for repeatedly outputting an object scene image (e.g., for displaying moving images in live-view mode as an electronic viewfinder on display unit 14 or so called EE mode) when an instruction key (shutter button 20) is in non-operative state (non-pushed level) and outputting a single frame of object scene image (for recording into memory 19) when instruction key is in an operative state (second pushed level) (see Figs. 1 & 2; col. 1, lines 25-39; col. 6, line 20 – col. 7, line 15, *wherein both first and second pushed levels are the operative state of the shutter button 20*);

first display (display 14 with switch 16 in contact 1 for EE mode) for displaying on a monitor (14) a moving image based on the object scene images repeatedly outputted from said outputter when said instruction key is in the non-operative state (non-pushed level) (see Figs. 1 & 2; col. 7, lines 34-35 and col. 6, lines 16-29);

a recorder (19) for recording process on the single frame (a still image) of the object scene image outputted from said outputter when said instruction key is in the operative state (second pushed level) (see col. 6, lines 35-49 and col. 7, lines 43-49);

a second display (display 14 with switch 16 in contact 2 for review mode) for displaying on said monitor a still image based on the object scene image to be subjected to the recording process by said recorder (see Figs. 1 & 2; col. 6, line 57 – col. 7, line 15);

a determiner (control 15) for determining, prior to starting a display process of said second display, whether or not said instruction key is shifted from the operative state (first and/or second pushed levels) to the non-operative state (non-pushed level), wherein the display process of said second display is permitted when a determination result of said determiner is negative (maintaining pushing the shutter button 20 to first level **without releasing the shutter button**; see col. 6, lines 57 – col. 7, line 15, wherein the step S06 is directly switched to step S04 if the shutter button is shifted to the first level **without releasing the shutter button**) and the display process of said second display is prohibited when the determination result of said determiner of said determiner is affirmative (shutter button is fully released, e.g., non-pushed level, to go back to EE mode in step S01 for displaying live-view images as electronic viewfinder; see Fig. 2 and col. 7, lines 49-55).

Mitsuhashi is just silent about that the outputter outputs low resolution images (moving images) for live view on the display and outputs a higher resolution image (a still image) for recording into the memory. However, as taught by Anderson, it is notoriously well known in the art that frames of raw image data are sequentially captured by an imaging device (114) and displayed at *a reduced resolution* suitable for LCD screen (402) in a live view mode in a conventional configuration before a shutter button (418) is pressed. When shutter button is pressed for capturing an image, the raw image data is captured at a higher resolution that has been set prior to the photographing session (see Fig. 6 and col. 7, lines 7-27).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mitsuhashi and Anderson for displaying low resolution images on the display unit in a live view mode when the shutter button is not pressed, and for capturing a higher resolution

image set by the user prior to a photography session when the shutter button is pressed in a conventional configuration of a digital camera.

Regarding claim 6, Mitsuhashi clearly discloses that the captured still image data is displayed on the display unit as a review image for as long as the shutter button is maintained in the operative state (col. 7, lines 4-6).

Regarding claim 7, Anderson further teaches a third display for displaying a default image (i.e., a blank image data such as a flicker or a very brief freezing image) on the display unit for a predetermined time period when the shutter button is pressed to capture the image (see Anderson, col. 10, lines 1-5).

Regarding claim 8, also taught by Mitsuhashi in col. 4, lines 42-44 and/or Anderson in col. 7, lines 24-28, a memory (RAM) is used for temporarily storing the image data output from the imaging device for recording when the shutter button is pressed and that the stored image data either directly or indirectly is read out for displaying on the display unit.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



DAVID L. OMETZ  
PRIMARY EXAMINER